

## **R E M A R K S**

Claims 9, 11-14, 17-21, 23-39, 44, 47-64, 71-72, 77-87, and 88-126 are in the case. Applicants believe that the inclusion of Claim 10 and the omission of Claim 111 from the listings on PTOL-326 were clerical errors. It is believed that no fees are due for the new claims above as the number of cancelled claims exceeds the number of new claims added. However, should this be incorrect authorization is provided herewith for the payment of any fees due for additional claims. The fee for multiple-dependent claims has been paid previously in this case. Claim 39 is now in independent form; payment of the fee therefore (any other fees now due) is authorized herewith via EFS-web.

For the record, Applicants submit that the decision which terminated Interference 105,374 was only partially unfavorable to Applicants, as Applicants were granted a favorable decision on Counts 5 and 6.

The Examiner's attention is directed to Interference No. 105,372, in which the present application was involved, and for which judgment was entered on July 12, 2006.

The amendments to Claims 13, 17, 24-26, 29, 30, 36, 64, 72, 93-95, 97, and 110 correct typographical errors. The remaining amendments to the above claims are described below.

The allowability of Claims 10, 14, 17-21, 25-26, 33-38, 53-54, 57-58, 60, 62, 78, 81-82, 85-86, 90, 92-106 and 110 is noted with sincere appreciation. It is believed that Claim 111, dependent on an allowed base claim, is also allowable. The allowability of Claims 43-44, 47-50, 64, 72, 79-80, 83-84, and 87-88, if rewritten in independent form, is also noted with sincere appreciation.

### **Rejection under §102(g) or §103(a)**

Claims 9, 11-13, 23-24, 27-32, 39, 44, 48, 51-52, 55-56, 59, 61, 63, 65, 71, 73, 77, 89, 91 and 107-109 stand rejected under §102(g), or in the alternative, under §103(a) over the other party's involved applications as to Count 2 of Interference No. 105,373 and Count 4 of Interference No. 105,374. Applicants respectfully request reconsideration of this rejection in light of the above amendments.

The above amendments are detailed more particularly herein.

One of the amendments to Claim 9 incorporates the features of cancelled Claim 43.

As amended, Claim 23 incorporates some of the features of Claim 47. Claim 39 has been rewritten in independent form. The amendments to Claims 9, 14, 23, 25, and 93 regarding the definition of R and R<sup>1</sup> are supported in the Specification at least at Page 5, lines 4-10. The language in Claim 39 regarding carbon atom C being bonded to up to two groups R and R<sup>1</sup> finds support at least at Page 4, lines 23-24 of the Specification. Support for the description of L<sup>1</sup> in Claims 39, 63, and 71 is supported in the Specification at least at Figure 2A and Page 8, line 28, to Page 9, line 12. Claims 39, 63, 71, and 110 as amended recite a definition of L supported in the Specification at least at Page 9, line 31, to Page 10, line 8. The carbene structure and the definition of Y, Y<sup>1</sup>, Z, and Z<sup>1</sup> in Claims 39, 63, and 71 is supported at least at Page 8, line 28, to Page 9, line 12, Figure 2A, and original Claim 13.

The dependency of Claim 44 has been amended due to the cancellation of Claim 43. The dependency of Claim 88 has been amended due to the cancellation of Claim 43. The dependencies in Claim 107 have been amended to reflect the cancellation of Claims 40-43, 65, and 73. As Claim 107 now depends from claims that are allowable, Claim 107 is believed to be allowable. Similarly, as all of the amended claims are deemed to be allowable, it is submitted that all of the claims dependent thereon are also allowable.

New Claims 112-116 depend from Claims 9, 14, 39, 44, or 93, and new Claims 117-121 depend from Claim 23 or 25. As Claims 9, 14, 39, 44, and 93 are now allowable, Claims 112-118 are also believed to be allowable. Similarly, since Claims 23 and 25 are allowable, Claims 117-121 are believed to be allowable. Support for new Claims 112 and 117 is found in the Specification as originally filed at least on Page 5, lines 18-20. New Claims 113 and 118 are supported at least at Page 6, lines 5-12 of the Specification as originally filed. New Claims 114, 115, 119 and 120 are supported at least at Page 6, lines 8-12 of the Specification as originally filed. New Claims 116 and 121 are supported at least at Page 5, lines 14-17 of the Specification as originally filed. New Claim 122 depends from any of Claims 39, 63, 71 or 110, and incorporates features of original Claims 63, 71, 87, and 110. New Claims 123 and 124 find support at least at Page 6, lines 22-23 and Page 8, lines 15-16 of the Specification, as well as in original Claim 12. New Claim 125 is supported at least at Page 8, line 28, to Page 9, line 12, and Figure 2A. New Claim 126 is supported at least at Page 9, lines 21-28, and Figures 2B and 2C.

Since the amendments to the claims incorporate distinguishing features of claims that

were indicated to be allowable, it is submitted that the present claims as amended render the rejection of Claims 9, 11-13, 23-24, 27-32, 39, 44, 48, 51-52, 55-56, 59, 61, 63, 65, 71, 73, 77, 89, 91, and 107-109 under § 102(g) or § 103(a) moot. It is thus respectfully requested that this rejection be reconsidered and withdrawn.

In light of the foregoing remarks, the case is believed to be in condition for allowance. Prompt notification to this effect would be sincerely appreciated. If any matters remain that require further consideration, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Respectfully submitted,

/Mary H. Drabnis/

R. Andrew Patty II  
Reg. No. 38,992  
Mary H. Drabnis  
Reg. No. 45,909  
McGlinchey Stafford PLLC  
4703 Bluebonnet Boulevard  
Baton Rouge, LA 70809  
Telephone: 225-291-4600  
Facsimile: 225-291-4606